

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14-5038Jemal's Lazriv Water, LLC

v.

United States

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Jemal's Lazriv Water, LLC

Party is (select one)



Appellant/Petitioner



Cross-Appellant



Appellee/Respondent



Intervenor

Tribunal appealed from and Case No. US. Court of Federal Claims, No. 12-151 CDate of Judgment/Order December 19, 2013 Type of Case Contract - Lease (CDA)Relief sought on appeal Reversal of trial court's order on cross-motions for summary judgmentRelief awarded below (if damages, specify) Summary Judgment in favor of the United States

Briefly describe the judgment/order appealed from The Court of Federal Claims ("CFC") granted summary judgment in favor of the United States and denied Appellant's request for summary judgment. The case concerns the United States' obligation under the parties' lease to reimburse Appellant for increases in real estate taxes over a "base year amount," which in this instance depends on when the property first received a "full assessment." The CFC found that the first year of full assessment for the property was tax year 2010, instead of 2007.

Form 26

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

☒ Final Judgment, 28 USC 1295☐ Rule 54(b)☐ Interlocutory Order (specify type) _____☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____
_____Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____
Not applicable.Brief statement of the issues to be raised on appeal _____
Whether the CFC erred in denying Appellant's motion for summary judgment and granting the United States' motion (1) based on a lease interpretation that construes the term "contemplated improvements" as requiring "completed improvements" and (2) despite undisputed facts that establish tax year 2007 as the first of "full assessment."

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

☐ Before the case was filed below?☒ During the pendency of the case below?☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

☐ Yes ☒ NoIf they were mediated, by whom? _____

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not _____
 Appellant does not believe this case can be settled in its current posture, prior to the Court's decision on appeal.

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____
 None.

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 6th day of February, 2014

by: electronic means (CM/ECF and e-mail) _____
 (manner of service)

Lynn E. Calkins	/s/ Lynn E. Calkins
_____ Name of Counsel	_____ Signature of Counsel

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